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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/310,165	05/10/1999	YASSIR K. ELLEY	112047-0013	8445

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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/310,165

Applicant(s)

ELLEY ET AL.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 17, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, filed October 17, 2003, with respect to obviousness-type double patenting have been fully considered and are persuasive.

1. Applicant's arguments filed on October 17, 2003 have been fully considered but they are not persuasive.

The Applicant has argued that "the claimed computer data signal embodied in a carrier wave is a practical use of electromagnetic energy, and is patentable subject matter under 35 U.S.C. 101, in view of the clarification set out in MPEP 2106 IV, B, 1 (c)." The examiner is not arguing that the claim is statutory, as per the section of the MPEP cited by the applicant, but it isn't established in the current claim language that the signal embodied in a carrier wave is tangibly embodied. The examiner contends that there is no positive recitation of hardware elements that make it statutory. The computer data signal embodied in a carrier wave representing a sequence of instructions that is broadly recited and based upon the word "representing" which is just computer software, it is not necessarily contained within hardware components as the claims are currently recited. The examiner is suggestive to the applicant that the claims rejected under 35 U.S.C. 101 be amended to be embodied on a computer readable medium.

The applicant has additionally argued that Gasser has no disclosure of chains of group credentials. The examiner respectfully disagrees. Gasser recites of members

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are listed in a certificate (credentials) that which is nested groups that include subgroups (chains) that are certified (proven/validated entity membership)(col. 10, lines 19-55). These subgroups are interpreted to be contained within groups and the examiner has found the applicant's language of "chains" to be equivalent to Gasser's recitations of the term "subgroups". Gasser demonstrates of a chain structure showing the groups/subgroups (chains) that are connected and depend upon one another as shown in Figure 4A.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 101-128 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is claimed of a computer data signal embodied in a carrier wave and representing a sequence of instructions that is directed towards non-statutory subject matter. The subject matter does not belong in a statutory classes and it is suggested by the examiner that the claims should be amended to have the computer program embodied on a computer readable medium.

***Claim Rejections - 35 USC § 102.***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-128 are rejected under 35 U.S.C. 102(b) as being anticipated by

Gasser et al.

As per claims 1,12,23,34,45,52,59,66,73,80,87,94,101,108,115, and 122, it is disclosed by Gasser et al of user (presenter) located on a workstation (client) which makes a request (across a network) to a server (recipient) containing system resources (services)(col. 21, lines 43-47). The teachings consist of program sequences (computer data signal embodied as carrier waves) that are to be executed by a CPU (processor)(col. 2, lines 58-60). Members are listed in a certificate (credentials) that which is nested groups that include subgroups (chains) that are certified (proven/validated entity membership)(col. 10, lines 19-55). If a requesting user (presenter), located in the group, is found in the resource's (services) is found in the access control list, then access is granted (authorized)(col. 4, lines 50-54 and col. 10, lines 50-55 & 61-65). Also taught by Gasser et al is denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

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As per claims 2,13,24,35,46,53,60,67,74,81,88,95,102,109,116, and 123, Gasser et al teaches of signed certificates (credentials) that verify (proof of) group membership (col. 11, lines 29-31).

As per claims 3,14,25,36,47,54,61,68,75,82,89,96,103,110,117, and 124, Gasser et al teaches of signed certificates that verify group membership (col. 11, lines 29-31).

As per claims 4,15,26,37,48,55,62,69,76,83,90,97,104,111,118, and 125, Gasser et al teaches of a group (membership) list that lists the members of a group (col. 11, lines 13-15 & 30-35).

As per claims 5,16,27,38,49,56,63,70,77,84,91,98,105,112,119, and 126, Gasser et al teaches of signed certificates (credentials) that verify (proof of) group membership (col. 11, lines 29-31). Gasser et al discloses of denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 6,17,28,39,50,57,64,71,78,85,92,99,106,113,120, and 127, Gasser et al teaches of signed certificates that verify group membership (col. 11, lines 29-31). Gasser et al discloses of denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group

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(which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 7,18,29,40,51,58,65,72,79,86,93,100,107,114,121, and 128, Gasser et al teaches of a group that which lists the members of a group (col. 11, lines 13-15 & 30-35). Gasser et al discloses of denying access to a first group which is a subgroup of a second group and only granting access to members of the second group who do not derive their membership in the second group through their membership in the first group (which is interpreted by the examiner as being non-membership)(see abstract, col. 24, lines 19-40). Gasser et al notes that groups may contain certificates which have been revoked and uncertified (indicating non-membership)(col. 11, lines 9-15).

As per claims 8,19,30, and 41, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

As per claims 9,20,31, and 42, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network which is on-line) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

As per claims 10,21,32, and 43, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network which is on-line) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

Also disclosed is the use of determining if a certificate has been revoked (through means of a revocation server)(col. 11, lines 7-8).

As per claims 11,22,33, and 44, Gasser et al discloses of a user (presenter) located on a workstation (client) which makes a request (across a network) to a server (recipient) containing system resources (services)(col. 21, lines 43-47).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on M-Th, 6:30a-4:00p, alt. Fr, 6:30am-3:00pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9586. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CR

*CR*  
January 7, 2004

*Emmanuel L. Moise*  
EMMANUEL L. MOISE  
PRIMARY EXAMINER